

JUDGMENTS RENDERED AGAINST THE GOVERNMENT  
BY UNITED STATES DISTRICT COURTS

COMMUNICATION

FROM THE

PRESIDENT OF THE UNITED STATES

TRANSMITTING

RECORDS OF JUDGMENTS RENDERED AGAINST THE GOVERNMENT BY UNITED STATES DISTRICT COURTS, IN ACCORDANCE WITH PROVISIONS CONTAINED IN DEFICIENCY ACT, APRIL 27, 1904 (33 STAT. 422), IN THE SUM OF \$51,268.20, AS SUBMITTED BY THE ATTORNEY GENERAL THROUGH THE SECRETARY OF THE TREASURY, TOGETHER WITH A LETTER FROM THE DIRECTOR OF THE BUREAU OF THE BUDGET

JUNE 23 (calendar day, JUNE 29), 1926.—Read; referred to the Committee on Appropriations and ordered to be printed

THE WHITE HOUSE,  
Washington, June 29, 1926.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Under the Navy Department.....	\$44, 884. 08
Under the Treasury Department.....	400. 00
Under the War Department.....	5, 984. 12
Total.....	51, 268. 20

The necessity for the appropriation asked is explained in the letter of the Director of the Bureau of the Budget, transmitted herewith, in whose conclusions and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,  
Washington, June 29, 1926.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, in accordance with the provisions contained in the deficiency act of April 27, 1904 (33 Stat. 422), records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Under the Navy Department.....	\$44,884.08
Under the Treasury Department.....	400.00
Under the War Department.....	5,984.12
Total.....	51,268.20

These judgments are submitted under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925. (43 Stat. 1112.)

For the payment of these judgments there is required an appropriation of \$51,268.20, together with such additional sum as may be necessary to pay interest as and when specified in said judgments; provided that these judgments shall not be paid until the right of appeal shall have expired.

Since the foregoing are obligations of the Government lawfully imposed and which (subject to the reserved right of appeal) must be paid, an appropriation for that purpose is necessary at this time.

Very respectfully,

H. M. LORD,

Director of the Bureau of the Budget.

The PRESIDENT.

FORDE CONSTRUCTION CO. v. UNITED STATES (SCHOONER "BENJAMIN A. VAN BRUNT"—U. S. S. "MILWAUKEE")

DEPARTMENT OF JUSTICE,  
Washington, D. C., May 25, 1926.

The SECRETARY OF THE TREASURY.

SIR: By authority of the public vessel act of March 3, 1925, the Forde Construction Co., as sole owner of the schooner *Benjamin A. Van Brunt*, filed its libel against the Government to recover for the total loss of the schooner through collision between the schooner *Van Brunt* and the Navy vessel *Milwaukee*. Our review and investigation of the facts of the collision suggested that the collision happened through the sole fault of the *Milwaukee*. This fact was confirmed by the Navy Department.

By authority of section 6 of the public vessel act, we agreed to adjust the damages upon the basis of 90 per cent of provable damages, which had the approval of the Navy Department. Subsequently the United States attorney for the eastern district of New York, where the action was pending, recommended that decree for \$25,000 be entered in favor of the Forde Construction Co. However, we have succeeded in adjusting the claim by entering a decree for \$18,000, which we consider a very favorable adjustment. This has had the approval of the Navy Department.

We are, therefore, inclosing herewith certified copy of the final decree of the court in favor of the Forde Construction Co. for \$18,000, with the request that it be certified for payment and included in the present deficiency bill which is about to be reported to Congress. One of the reasons for accomplishing the settlement was the fact that this decree would be certified and included in the present deficiency bill.

Respectfully,

IRA LLOYD LETTS,  
*Assistant Attorney General,*  
(For the Attorney General).

Name: Forde Construction Co. (Admiralty No. 9134.)

Amount: \$18,000.

Costs: None.

Date of judgment: May 24, 1926.

Nature of claim: Action to recover damages due to collision between the schooner *Benjamin A. Van Brunt* and U. S. S. *Milwaukee* (Navy).

Final decree: Ordered, adjudged, and decreed that the libellant, Forde Construction Co., recover of and from United States of America, respondent herein, the sum of \$18,000, with interest thereon at the rate of 4 per cent per annum from the date of this decree until paid.

United States District Court, Eastern District of New York.

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VICTOR H. DAVISON, OWNER OF CARGO, CASE OF FORDE CONSTRUCTION CO. (SCHOONER "BENJAMIN A. VAN BRUNT")-UNITED STATES (U. S. S. "MILWAUKEE")

DEPARTMENT OF JUSTICE,  
Washington, D. C., May 22, 1926.

The SECRETARY OF THE TREASURY.

SIR: By authority of the public vessel act of March 3, 1925, Victor H. Davison, as sole owner of cargo of coal aboard the schooner *Benjamin A. Van Brunt*, filed his libel against the Government to recover for the total loss of the cargo through collision between the schooner *Van Brunt* and the Navy vessel *Milwaukee*. Our review and investigation of the facts in the collision suggested that the collision happened through the sole fault of the *Milwaukee*. This view was confirmed by the Navy Department.

By authority of section 6 of the public vessel act, we agreed to adjust the damages upon the basis of 90 per cent of provable damages. The total damages were agreed upon, with the consent of the Navy Department, in the sum of \$27,580.27 and a final decree entered in the proceedings for 90 per cent, or \$24,822.51. We are, therefore, inclosing herewith certified copy of the final decree of the court in favor of Victor H. Davison for this amount, with the request that it be certified for payment and included in the present deficiency bill which is about to be reported to Congress.

Respectfully,

B. M. PARMENTER,  
*Assistant Attorney General*  
(For the Attorney General).

Name: Victor H. Davison.

Amount: \$24,822.51.

Costs: None.

Date of judgment: May 21, 1926.

Nature of claim: Action to recover damages for loss of cargo of coal due to collision between schooner *Benjamin A. van Brunt* and *Milwaukee* (Navy Department).

Final decree: Ordered, adjudged, and decreed that the libelant, Victor H. Davison, recover of and from the respondent, United States of America, the sum \$24,822.51, with interest thereon, at the rate of 4 per cent per annum from the date of the entry of this decree until paid, but without costs to either party herein, and that payment of said amount be made either to the libelant or his proctors of record.

United States District Court, Eastern District of New York.

BRYANT DOLBOW GASOLINE BOAT "MARY S. DOLBOW" v. UNITED STATES U. S. S. "N-1"

DEPARTMENT OF JUSTICE,  
Washington, May 8, 1926.

THE SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the district of Connecticut in the above matter, awarding the libelant the sum of \$550, and the further sum of \$11.57 representing costs.

This suit was instituted under the public vessel act of March 3, 1925, to recover the sum of \$1,100 arising out of the collision between these vessels as a result of which the fishing boat was sunk. Upon the trial of the case the court found that both vessels were at fault, and thereupon entered a decree on a half damage basis. The court found that the libelant proved his damages in the sum of \$1,100. Because of contributory fault, one-half of that sum was awarded, which is represented in the inclosed final decree.

As the Government will not appeal from this decree, we are transmitting the same to you with the request that it be placed in line for payment.

Respectfully,

IRA LLOYD LETTS,  
Assistant Attorney General  
(For the Attorney General).

Name: Bryant Dolbow. In Admiralty, No. 2984.

Amount: \$550.

Costs: \$11.57.

Date of judgment: May 1, 1926.

Nature of claim: Action to recover damages due to collision between the gasoline boat *Mary S. Dolbow* and the U. S. S. *N-1* (Navy).

Final decree: Ordered, adjudged, and decreed that the libelant, Bryant Dolbow, owner of the said fishing boat *Mary S. Dolbow*, recover of and from the United States of America one-half of the damages arising out of the matters set forth in the libel herein and proved, viz, \$550, and one-half of libelant's costs, viz, \$11.57, or a total of \$561.57.

United States District Court, District of Connecticut.



WRIGHT C. WILSON v. UNITED STATES HOUSING CORPORATION  
(FERRY STEAMER "ROCKAWAY"—NAVY STEAM TUG "ROCKET"  
COLLISION)DEPARTMENT OF JUSTICE,  
Washington, May 7, 1926.

The SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the eastern district of Virginia, awarding the libellant the sum of \$1,500.

This suit was instituted under the suits in admiralty act of March 9, 1920, against the United States Housing Corporation to recover for personal injuries sustained by the libellant as a result of the collision between the Navy tug *Rocket* and the ferry steamer *Rockaway*. The United States Housing Corporation functions solely as a Government agency, and it had insured with private underwriters the risk in suit.

The libellant offered to settle the case for \$4,500, of which \$1,500 is to be paid by the Government and \$3,000 by the underwriters. In view of all the circumstances of this case, it was determined that it would be to the best interests of the Government to settle the case on this basis and a consent decree was entered.

The final decree, by which the Government is to pay the libellant \$1,500, is transmitted to you with the request that it be placed in line for payment. The sum of \$3,000, plus costs in the sum of \$68.90, mentioned in final decree, will be paid by the underwriters who insured this vessel for the Housing Corporation. The sum to be paid by the United States (\$1,500) is without interest and without costs.

Respectfully,

IRA LLOYD LETTS,  
Assistant Attorney General  
(For the Attorney General).

Name: Wright C. Wilson.

Amount: \$1,500.

Costs: None.

Date of judgment: April 28, 1926.

Nature of claim: Action to recover compensation for damages due to collision between ferry steamer *Rockaway* and steam tug *Rocket* (Navy).

Final decree: The court doth adjudge, order, and decree that Wright C. Wilson do have and recover of and from the United States of America as owner of the United States Navy steam tug *Rocket* the sum of \$1,500.

United States District Court for Eastern District of Virginia.

LUCKENBACH STEAMSHIP CO. (S. S. "J. L. LUCKENBACH") v.  
UNITED STATES COAST GUARD CUTTER "GUTHRIE"DEPARTMENT OF JUSTICE,  
Washington, June 2, 1926.

The SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the eastern district of Pennsylvania in the above matter awarding the libelant the sum of \$400. Under date of March 9, 1926, we advised you that libelants offered to accept \$400 in full settlement of the damages sustained by the *Luckenbach* arising out

of the collision between that vessel and the Coast Guard cutter *Guthrie*, and requested your review and recommendation on the offer made. Under date of May 6, 1926, you approved settlement of the case on that basis, whereupon a final decree was entered awarding the libellant the sum of \$400.

We are transmitting the final decree to you for the purpose of being placed in line for payment.

Respectfully,

IRA LLOYD LETTS,  
Assistant Attorney General  
(For the Attorney General).

Name: Luckenbach Steamship Co. (Inc.). (No. 71 of 1925. In Admiralty.)

Amount: \$400.

Costs: None.

Date of judgment: May 24, 1926.

Nature of claim: Damages due to collision between the *Luckenbach* and U. S. Coast Guard cutter *Guthrie* (Treasury).

Final decree: Ordered, adjudged, and decreed that the libellant, Luckenbach Steamship Co. (Inc.), owner of the *S. S. J. L. Luckenbach*, recover of and from the United States of America, owner of the *S. S. Guthrie*, respondent, the sum of \$400, each party to bear its own costs.

United States District Court for the Eastern District of Pennsylvania.

ROBERT GRANT ET AL. (TUG "JUNO") v. UNITED STATES (S. S.  
"GENERAL JESSUP")

DEPARTMENT OF JUSTICE,  
Washington, May 10, 1926.

THE SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the district of Massachusetts in the above matter awarding the libellant the sum of \$3,484.12, with interest at the rate of 4 per cent from the date of the decree (May 7, 1926).

This suit was instituted under public vessel act of March 3, 1925, claiming damages in the sum of \$10,000 for loss of personal effects by the officers of the crew of the *Juno* arising out of the collision between the steam tug and the *General Jessup* on December 13, 1922, as the result of which the *Juno* sank in a few minutes. In the district court the *General Jessup* was held solely at fault for the collision and the resulting damages. The Government appealed from that decision to the circuit court of appeals for the first circuit and was successful in securing a reversal of the decree of the district court to the extent that the appellate court held both vessels at fault. Thereafter the inclosed final decree was entered in the district court.

We are transmitting this final decree to you with the request that it be placed in line for payment.

Respectfully,

IRA LLOYD LETTS,  
Assistant Attorney General  
(For the Attorney General).

Name: Robert Grant et al., trustees. In admiralty.

Amount: \$3,484.12.

Date of judgment: May 7, 1926.

Nature of claim: To recover damages due to collision between the tug *Juno* and the U. S. S. *General Jessup* (War).

Final decree: Ordered, adjudged, and decreed that the respondent pay to the libelants or their proctors of record one-half of libelants' damages in the amount of \$3,748.97, also, their costs in this court in the amount of \$56.60; total, \$3,805.57, less the costs of the respondent in the circuit court of appeals in the amount of \$321.45, leaving a balance due the libelants of \$3,484.12 with interest on said sum of \$3,484.12 at the rate of 4 per cent per annum from the date of this decree.

United States District Court, District of Massachusetts.

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BURTON TETTEMER V. UNITED STATES (Army Motor Tug "L. 56")

DEPARTMENT OF JUSTICE,  
*Washington, May 11, 1926.*

THE SECRETARY OF THE TREASURY.

SIR: We are inclosing certified copy of final decree which has been entered in the district of Delaware in the above case awarding the libelant the sum of \$2,500.

This suit was instituted under the public vessel act of March 3, 1925, for injuries sustained by the libelant on September 25, 1920, when he was injured while standing on a float repairing the ends of canal boats, arising out of the passing of the Government vessel at an excessive speed whereby heavy swells were created. After careful investigation it was found that evidence was not available to the Government to defeat this claim and was considered to the Government's interests to compromise the suit in the amount awarded in the final decree. As this is a consent decree, there will, of course, be no appeal taken by either side. We are transmitting the final decree to you with the request it be placed in line for payment.

Respectfully,

IRA LLOYD LETTS,  
*Assistant Attorney General*  
(For the Attorney General).

Name: Burton Tettemer. In admiralty. No. 1195.

Amount: \$2,500.

Costs: None.

Date: May 7, 1926.

Nature of claim: To recover compensation for injuries caused by Army motor tug *L-56* (War).

Final decree: Ordered, adjudged, and decreed by the court that the said Burton Tettemer, libelant, recover of and from the said United States of America, respondent, the sum of \$2,500.

United States District Court, District of Delaware.

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The Government of the United States, in its capacity as a sovereign power, has the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. The Government of the United States is not in a position to make any commitment at this time, but it is pleased to note the interest of your Government in the subject.

UNITED STATES OF AMERICA

Washington, D.C.  
January 10, 1900

The Secretary of the Treasury  
Sir: The undersigned, a citizen of the United States, has the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. The Government of the United States is not in a position to make any commitment at this time, but it is pleased to note the interest of your Government in the subject.

Very respectfully,  
[Signature]

James H. Smith, Secretary of the Treasury  
Washington, D.C.  
January 10, 1900